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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,779	07/05/2005	Gustaf Doragrip	38205	8901
116	7590	07/09/2008	EXAMINER	
PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			LEE, LAURA MICHELLE	
ART UNIT	PAPER NUMBER			
			3724	
MAIL DATE		DELIVERY MODE		
07/09/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/534,779	<b>Applicant(s)</b> DORAGRIP ET AL.
	<b>Examiner</b> LAURA M. LEE	<b>Art Unit</b> 3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 2/29/2008.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-3 and 5-13 is/are pending in the application.

4a) Of the above claim(s) 7 and 10 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-3, 5-6, 8-9, 11-12 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/136/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

**DETAILED ACTION**

1. This office action is in response to the amendment filed 2/29/2008 in which claims 1-3, 5-13 are currently pending, claims 1, 2, 6, 11 and 12 are currently amended, claims 7 and 10 are currently pending.

***Response to Arguments***

2. Applicant's arguments filed 2/29/2008 have been fully considered but they are not persuasive. In the office action mailed 11/29/2007, the examiner stated that the operation of the turntable connection of the cutting head in relationship to the drive shaft was not described in the specification and drawings in sufficient detail to convey to one having ordinary skill in the art how to make and/or use the invention. The applicant's response in that the relationship is described in at least pages 2, lines 2-15 and 17-20 of the specification does not fully address the lack of description. Although the applicant does describe that the drive shaft of the drive unit is connected via a gear to the cutting unit, as is an old and well known connection in the art, there is no description as to how the brake pad operates with this connection to change the angle of the cutting unit.

Page 3, line 35 and Page 4, line 1, disclose that the bearing shaft (45) surrounds the turning shaft, not shown, of the cutter unit. Further, the operation of the turning the cutting head is described on page 4, lines 6-22, and discloses that unless the arm 39 is acted on, there is a permanent grip of the brake pad on the cutting unit turning shaft. As described, the not shown turning shaft, must normally be stationary, i.e.non-rotating. Therefore, it cannot be the shaft that is connected to and imparts the rotating

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connection between the drive shaft of the drive unit via the disclosed gearing connection. As such there must be another shaft that receives the rotation of the drive unit shaft internally of the cutting unit turning shaft by the gearing connection to drive the cutting head. There is no clarifying description in the specification or depiction in the drawings of how all of the shafts and locking means operate together to impart the rotational adjustment of the cutting unit relative to the shaft tube that surrounds the drive unit's drive shaft.

### ***Drawings***

3. The drawings were received on 2/29/2008. These drawings are acceptable.
  
4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the gear transmission with the elected embodiment (Figure 7) must be shown or the feature(s) canceled from the claim(s) (or the claim withdrawn as per the non-elected species). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet,

and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claim 2 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The applicant maintains that the gear transmission (18/19) is apart of the control means M, as shown in the embodiment of Figure 5 and as part of the elected species, and thus claims 2 should not be restricted or withdrawn. However, there is no description or depiction of how the control means M, of Figure 5, cooperates with the

arm, 39, and interacts to function with an outer rim, 18, of the gearbox. Especially as on page 4, lines 6-8, the specification details that "In order to adjust the angle of the cutting unit 13 with respect to the shaft tube, 12, the arm 39 is acted on whereby the turning motion is transferred to the turning rod 42." Nowhere in this description, or anywhere else in the specification is there any mention of a gear transmission or outer rim in reference to the embodiment of Figure 5, and thus one having ordinary skill in the art would not be able to make and/or use the invention according to the applicant's disclosure.

7. Claims 1-3 and 5-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The applicant's invention relates to a motor driven tool such as a pole hedge trimmer that is turnably secured to the shaft tube. However, no where in the applicant's specification or drawings is there any description as to how that turnable connection operates in relationship to the connection between the drive shaft and the tool head. Although it is well known in the art to utilize a set of drive gears as a connection mechanism between the tool head and shaft for imparting a driving motion from the power source to the tool head, there is no explanation as to how the gears would be employed or function to enable the rotation of the tool head to the driveshaft, and still

maintain the connection between the gears. A re-positionable tool head would not function as intended unless it was still connected to the drive shaft.

Page 3, line 35 and Page 4, line 1, disclose that the bearing shaft (45) surrounds the turning shaft, not shown, of the cutter unit. Further, the operation of the turning the cutting head is described on page 4, lines 6-22, and discloses that unless the arm 39 is acted on, there is a permanent grip of the brake pad on the cutting unit turning shaft. As described, the not shown turning shaft, must normally be stationary, i.e.non-rotating. Therefore, it cannot be the shaft that is connected to and imparts the rotating connection between the drive shaft of the drive unit via the disclosed gearing connection. As such there must be another shaft that receives the rotation of the drive unit shaft internally of the cutting unit turning shaft by the gearing connection to drive the cutting head. There is no clarifying description in the specification or depiction in the drawings of how all of the shafts and locking means operate together to impart the rotational adjustment of the cutting unit relative to the shaft tube that surrounds the drive unit's drive shaft nor is there is an explanation as to how the gears would be employed or function to enable the rotation of the tool head to the driveshaft, and still maintain the connection between the gears. Therefore, one having ordinary skill in the art would not be able to make and/or use the invention according to the applicant's disclosure.

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAURA M. LEE whose telephone number is (571)272-8339. The examiner can normally be reached on Monday through Friday, 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Laura M Lee/  
Examiner, Art Unit 3724  
7/07/2008

/Boyer D. Ashley/  
Supervisory Patent Examiner, Art Unit 3724